

J. Adams

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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P. & S. Docket No. D-06-0008  
 )  
 Beken Livestock, Inc., and Bradley S. )  
 Beken, )  
 ) Decision Without Hearing by Reason  
 Respondents ) of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act"), by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes, applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Beken Livestock, Inc. (hereinafter, the "Corporate Respondent"), is a corporation whose business mailing address is P.O. Box 806, Weimar, Texas 78962.
2. The corporate Respondent is and at all times material herein was:

(a) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account; and

(b) Registered with the Secretary of Agriculture as a dealer, to buy and sell livestock in commerce for his own account.

3. Bradley S. Beken (hereinafter, the "Individual Respondent"), is an individual whose business mailing address is P.O. Box 806, Weimar, Texas 78962.

4. The Individual Respondent was, at all times material herein:

(a) President and holder of 100% of the stock of the Corporate Respondent;

(b) Responsible for the direction, management and control of the Corporate Respondent; and

(c) The alter-ego of the Corporate Respondent.

#### Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

#### Order

Respondents Beken Livestock, Inc., and Bradley S. Beken, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed a civil penalty, jointly and severally, in the amount of Seven Thousand Dollars (\$7,000.00), which will be paid

the certified notice is mailed. No failure of Respondents to receive, sign for or otherwise accept the certified mail notice will delay the tolling of the seven (7) calendar day cure period. If Respondents fail to cure their breach, or if they do cure their breach but again fail to make payment in accordance with the terms of this Understanding, no additional opportunity to cure will be given and the entire balance outstanding shall be due and payable immediately from Respondents. Should these circumstances occur, Complainant will take appropriate action in the United States District Court (a) to collect the entire balance outstanding, along with such interest thereon and court costs which may be provided for by law, (b) to enjoin Respondents from failing to comply with the order, and (c) to obtain any further relief as is deemed proper.



Bradley S. Beken, President  
for Beken Livestock, Inc.

3-16-06

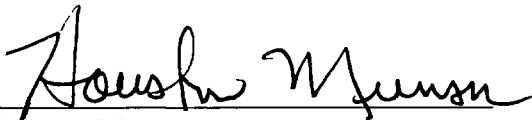
Date Signed



Bradley S. Beken  
Respondents

3-16-06

Date Signed



Houston Munson  
Attorney for Respondents

3-17-06

Date Signed



Andrew Y. Stanton  
Attorney for Complainant

3-31-06

Date Signed